

**IN THE MATTER OF THE EXAMINATION OF THE NORTH HERTFORDSHIRE  
LOCAL PLAN 2011-2031**

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**STATEMENT OF ROBERT WILSON  
18 MARCH 2020 HEARING SESSION  
MATTER 23**

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23.1a

*Has the Inspector understood the approach taken [by NHDC] correctly?*

1. No comment.

23.1b-c

*Is the approach taken reasonable, adequately robust and consistent with national policy?*

*The Sustainability Appraisal is not influenced by the degree to which the land does or does not contribute to the purposes of including land in the Green Belt. Should it be?*

2. NHDC's Matter 23 Statement asserts at paragraph 4 that the Green Belt Review Update [2018] "takes full account of recent case law..."
3. It is clear from paragraph 1.8 of the Green Belt Review Update 2018 that NHDC relies upon the Court of Appeal's Judgment in the case of Samuel Smith Old Brewery (Tadcaster) v North Yorkshire CC [2018] EWCA Civ 489.
4. On 5 February 2020, the Supreme Court allowed the appeal against the Court of Appeal's order.
5. It must follow that the Green Belt Review Update 2018 does not take full account of recent case law, at least not expressly.
6. Mr Wilson objects to the "release" of site KB4 in Knebworth from Green Belt. It was not included in OLP5. It was not included in HOU9. It subsequently appeared in LP1. This belated appearance serves to point up the lack of justification for allocating KB4 for housing. Through his agent,<sup>1</sup> Mr Wilson made representations against the proposed housing site allocation KB4. These representations covered poor community

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<sup>1</sup> Philip Dean Limited.

involvement, the absence of a strategic approach, the inadequacy of the highway network,<sup>2</sup> Green Belt, PDL, visual quality, prominence and visibility, agricultural land value and the impact on Swangleys Farm.

7. 32% of the NHDC area is Green Belt. 82% of the proposed housing is on land currently in Green Belt. This contrast serves to emphasise the failings in NHDC's approach.
8. It is common ground that the Sustainability Appraisal ("SA") is not influenced by the degree to which land does or does not contribute to the purposes of including land in Green Belt.
9. NHDC's attempted justification for this omission is said to be found at paragraphs 40 to 43 of Paper B.<sup>3</sup>
10. Paragraph 40 of Paper B states: "Green Belt is a policy designation, not an environmental designation.<sup>4</sup> The fact that land is, or is not, Green Belt does not in itself have environmental implications.<sup>5</sup> The fact that land may be judged as making a limited, moderate or significant contribution to Green Belt purposes is not in itself an influence upon the outcomes of the appraisal process."<sup>6</sup>
11. Paragraph 41 of Paper B states that the SA, "comprehensively covers environmental factors which might, directly or indirectly, be relevant to the question of Green Belt contribution by virtue of how they impact upon (perceptions of) openness, the setting and extent of existing towns and/or countryside encroachment". As to this:

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<sup>2</sup> Relying upon a Highways Appraisal produced by Glanville Consultants Limited.

<sup>3</sup> ED172, pages 19-20.

<sup>4</sup> It is not a *landscape* designation.

<sup>5</sup> A dubious proposition.

<sup>6</sup> This statement appears simply to be a reflection of the approach NHDC elected to adopt, as opposed to a proposition of general application.

- (i) The proposition that the SA comprehensively covers environmental factors which might, directly or indirectly, be relevant to the question of Green Belt contribution is inconsistent with NHDC’s prior proposition that Green Belt is a mere policy designation which does not *per se* have environmental implications;
  - (ii) The assertion that the SA comprehensively covers *environmental* factors which might be relevant to the question of Green Belt contribution indicates that it does not cover, comprehensively or at all, *other factors* which might be relevant to the question of Green Belt contribution;
  - (iii) The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence;<sup>7</sup>
  - (iv) So-called “perceptions of openness” are inconsistent with national policy, in that it is a concept not found in national policy;
  - (v) Green Belt serves five purposes.<sup>8</sup> According to paragraph 41 of Paper B, the SA does not purport to cover the impact of environmental factors on *all* of these.
12. Paragraphs 41-42 of Paper B distinguish between the SA and the “SA framework”. The distinction is presumably deliberate. Inclusion in the SA framework does not necessarily translate into assessment in the SA.
13. Paragraph 43 of Paper B merely asserts that the appraisal of the Green Belt housing sites within Appendix 6 of the SA “appropriately” takes the paragraphs 41-42 matters into account. Even if so, which is not admitted, it does not alter the agreed fact that the

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<sup>7</sup> NPPF 2012 version, paragraph 79.

<sup>8</sup> NPPF 2012 version, paragraph 80.

SA is *not* influenced by the *degree* to which land does or does not contribute to the purposes of including land in Green Belt or provide a justification for that omission.

14. In short, paragraphs 40-43 do not justify the SA's failure to be influenced by the *degree* to which land does or does not contribute to the purposes of including land in Green Belt. It should be so influenced.
15. The approach taken by NHDC is thus not reasonable, adequately robust and consistent with national policy.

23.2a

*Should the change in the assessment of these parcels of land (including the safeguarded land to the west of Stevenage) lead to their allocation for development/identification as safeguarded land in the Local Plan being rejected?*

KB4 was assessed as making a significant contribution to the purposes of including land in Green Belt in both the original 2016 Green Belt Review and the 2018 Green Belt Review Update. The question does not therefore apply to KB4.

23.2b

*If so, and bearing in mind the methodology used, why does the change in the assessment render the Local Plan unsound in this respect?*

N/A

**12 March 2020**